

HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Appeal No. 43 of 2006

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Between:

M. Ram Narayana and others.

... Appellant.

And

Mandal Revenue Officer, Musheerabad Mandal,

Hyderabad and others.

... Respondents.

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:: ORDER ::

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Counsel for the appellants : Sri V. Tulasi Reddy

Counsel for the respondents : G.P. for Revenue

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January 23, 2006

W.A.No.43 of 2006

Per G.S. Singhvi, CJ.

This appeal is directed against order dated 15.9.2005 passed by the learned Single Judge in Writ Petition No. 2629 of 1996 whereby he rejected the appellants' challenge to notice dated 5.2.1996 issued by Mandal Revenue Officer, Musheerabad Mandal (now Nampally) under Section 7 of the A.P. Land Encroachment Act 1905.

In the course of hearing, learned counsel for the appellants gave out that his clients will feel satisfied if they are given an opportunity to file reply to the notice and opportunity of hearing before any order is passed by the competent authority.

Learned Government Pleader fairly states that if possession of the land has not been taken so far by the concerned authority, the Court may allow one opportunity to the appellants to file reply to the show-cause notice.

In view of the statements made by the learned counsel for the parties, we do not consider it necessary to go into the correctness of the order passed by the learned Single Judge and dispose of the appeal in the following terms:

1. If possession of the land in question has not been taken so far, then Mandal Revenue Officer, Nampally should inform the appellants that they can file reply to the notice within seven days of the receipt of communication. This should be done by the officer concerned on or before 31st January 2006.
2. Within six weeks from the date fixed for filing reply the officer concerned shall, after hearing the appellants, pass appropriate order in furtherance of the notice dated 5.2.1996.
3. If the appellants fail to avail the opportunity of filing reply within the time specified in the communication of the Mandal Revenue Officer, then the officer concerned shall be free to proceed ex parte and pass appropriate order.

While disposing of the appeal in the manner indicated above we make it clear that if possession of the land in question has already been taken over, then the Mandal Revenue Officer, Nampally will not be required to send communication to the appellants for the purpose of filing reply to the notice dated 5.2.1996.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

January 23, 2006.

MVB.